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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,373	05/15/2001	Norikazu Hiraki	112857-240	8965
29175	7590	08/25/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER

2174

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,373

Applicant(s)

HIRAKI ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. This application has been examined.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishikawa (6466239).

4. Regarding claim 1, see in Ishikawa:

A 3-dimensional-model-processing apparatus for processing a 3-dimensional

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model appearing on a display unit on the basis of 3-dimensional-position information input from a 3-dimensional sensor (abstract, Figures 1, 9, 19C, column 5 lines 1-10), including:

a controller for setting an operating point or an operating area used as a position at which processing using a processing tool is to be carried out on said 3-dimensional model (column 5 lines 24-42, column 12 lines 20-47) serving as a processed object appearing on said display unit as a position dependent upon the position of said processing tool (column 12 lines 30-50, column 19 lines 5-25) and carrying out said processing on said 3-dimensional model at said set operating point or said set operating area (column 5 lines 24-42).

5. Regarding claim 2, the controller sets an overlap portion of said operating point or said operating area and said 3-dimensional model as a processing execution position (column 20 lines 1-35).

6. Regarding claim 3, said controller executes control to clearly display said operating point or said operating area on said display unit (column 20 lines 10-25).

7. Regarding claim 4, said operating point or said operating area is allowed to be updated as a position dependent upon said processing tool by changing and/or re-setting said operating point or said operating area; and said controller carries out, if said operating point or said operating area is updated, said processing on said 3 dimensional

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model at said updated operating point or said updated operating area (column 20 lines 20-38, column 22 lines 35-57).

8. Regarding claim 5, said controller executes control to make said operating point movable, constraining said operating point on positions on said interface of said 3-dimensional model being processed (column 19 lines 20-41, column 20 lines 50-60).

9. Regarding claim 6, the operating area shape matches the tool shape and the controller carries out processing accordingly (column 19 lines 20-35).

10. Regarding claim 7, the model is processed when an overlap of the operating point or area and the model is detected (column 20 lines 10-39).

11. Regarding claim 8, in addition to that for claim 7, the model is processed when the overlap is detected as in claim 7 and a processing command is received (column 20 lines 30-45).

12. Claims 9-16 show the same features as claims 1-8 respectively and are rejected for the same reasons.

13. Claim 17 is rejected for the same reasons as claim 1.

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


STEVEN SAX
PRIMARY EXAMINER